

**U.S. Bankruptcy Court  
California Northern Bankruptcy Court (San Francisco)  
Bankruptcy Petition #: 19-30088**

*Assigned to:* Judge Dennis Montali  
Chapter 11  
Voluntary  
Asset

*Date filed:* 01/29/2019  
*Plan confirmed:* 06/20/2020  
*341 meeting:* 04/29/2019  
*Deadline for filing claims:* 10/21/2019  
*Deadline for filing claims (govt.):* 10/21/2019

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*TERMINATED: 04/01/2020*

Filing Date	#	Docket Text
05/26/2023	<u>13776</u>	Appellee Designation of Contents for Inclusion in Record of Appeal <i>APPELLEES (I) RESPONSE TO SPIRO JANNINGS APPELLANTS DESIGNATION OF RECORD AND STATEMENT OF ISSUES AND (II) DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL</i> (RE: related document(s) <u>13662</u> Notice of Appeal and Statement of Election filed by Creditor Spiro Jannings). Filed by Debtor PG&E Corporation (Albert, Gabrielle) (Entered: 05/26/2023)
05/26/2023	<u>13779</u>	Amended Appellant Designation of Contents For Inclusion in Record On Appeal and Statement of Issues on Appeal, District Court Court Case No. 23-cv-01735-HSG (RE: related document(s) <u>13662</u> Notice of Appeal and Statement of Election filed by Creditor Spiro Jannings). Filed by Creditor Spiro Jannings (dc) (Entered: 05/26/2023)
05/31/2023	<u>13781</u>	Certificate of Record Re: District Court, Case No. 23-cv-01735-HSG (RE: related document(s) <u>13662</u> Notice of Appeal and Statement of Election). (dc) (Entered: 05/31/2023)



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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**In re:**

**PG&E CORPORATION,**

**- and -**

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

**Reorganized  
Debtors.**

- ☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric Company  
☒ Affects both Reorganized Debtors

*\* All papers shall be filed in the Lead Case, No.  
19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

District Court Case No. 22-cv-00389-HSG

**APPELLEES' (I) RESPONSE TO SPIRO  
JANNINGS' APPELLANT'S  
DESIGNATION OF RECORD AND  
STATEMENT OF ISSUES AND  
(II) DESIGNATION OF ADDITIONAL  
ITEMS TO BE INCLUDED IN THE  
RECORD ON APPEAL**

PG&E Corporation and Pacific Gas and Electric Company (collectively, the “**Appellees**,” the “**Debtors**,” or as reorganized pursuant to the *Debtors’ and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization Dated June 19, 2020* [Dkt. No. 8048] (as it may be amended, modified, or supplemented and together with any exhibits or schedules thereto), the “**Reorganized Debtors**”) submit this response to the May 12, 2023, filing by Spiro Jannings (“**Appellant**”) of the *Appellant’s Designation of Record and Statement of Issues on Appeal from Bankruptcy Court* [Dkt. No. 13728], and designation of additional items to be included in the record on appeal, in connection with Appellant’s appeal from the *Order Denying Motion for Reconsideration by Spiro Jannings*, entered on March 27, 2023 [Dkt. No. 13646], by the United States Bankruptcy Court for the Northern District of California (the “**Bankruptcy Court**”).

**I. RESPONSE TO STATEMENT OF ISSUES ON APPEAL**

The sole issue on appeal is whether the Bankruptcy Court abused its discretion in denying Appellant’s motion for reconsideration of the order disallowing his claim, as failing to meet the standard of Rule 60(b)(3) and untimely filed under Rule 60(c) of the Federal Rules of Civil Procedure, as adopted by **Federal Rule of Bankruptcy Procedure (“FRBP”) 9024**.

**II. DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN RECORD ON APPEAL**

Pursuant to **FRBP 8009**, the Reorganized Debtors hereby designate the following additional items to be included in the record on appeal, which include all exhibits and addenda attached thereto and filed therewith and all documents incorporated by reference therein:

Docket items from *In re PG&E Corp., et al.*, Case No. 19-30088 (DM):

Dkt. No.	Description	Date
263	Amended Declaration of Jason P. Wells in Support of First Day Motions and Related Relief	02/01/2019
8048	Debtors’ and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization Dated June 19, 2020	06/19/2020
8053	Order Confirming Debtors’ and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization Dated June 19, 2020	06/20/2020

Dkt. No.	Description	Date
10494	Order Further Extending Deadline for the Reorganized Debtors to Object to Claims and Granting Related Relief	04/05/2021
11392	Request for Judicial Notice in Support of Reorganized Debtors' Objection to Claim (Claim No. 58462, Filed October 17, 2019, of Spiro Jannings)	10/08/2021
11417	Certificate of Service of Sonia Akter	10/13/2021
11488	Notice of Continued Hearing on Reorganized Debtors' Objection to Claim (Claim No. 58462, Filed October 17, 2019, of Spiro Jannings)	10/26/2021
11838	Certificate of Service of Sonia Akter	01/20/2022
11853	Certificate of Service of Alain B. Francoeur	01/21/2022
11854	Certificate of Service of Sonia Akter	01/21/2022
11916	Certificate of Service of Xavi Flores	02/10/2022
11959	Certificate of Service of Alain B. Francoeur	02/21/2022
11969	Reply in Support of Motion for Relief From Order (Default Order; Dkt #11829; Sustaining Objection to Claim No. 58462; Dkt # 11388)	02/23/2022
12040	Certificate of Service of Sonia Akter	03/18/2022
13457	Notice of Deficiency	01/17/2023
13459	Certificate of Service of Dan Carney	01/17/2023
13464	Relief From Stay Cover Sheet	01/20/2023
13653	Certificate of Service of Alain B. Francoeur	04/01/2023
13664	Transmittal of Notice of Appeal to District Court	04/10/2023
13676	Certificate of Service of Victor Wong	04/20/2023
13683	Appellant's Motion for Expansion of Time	04/26/2023
13694	Service of Notice of Failure to Perfect Appeal	05/04/2023

Dkt. No.	Description	Date
13726	Appellant's Motion for Leave to Expand Time for Designation of Record and Statement of Issues on Appeal from Bankruptcy Court	05/12/2023
13727	Appellant's Declaration in Support of Motion for Leave to Expand Time for Designation of Record and Statement of Issues on Appeal from Bankruptcy Court	05/12/2023
13728	Appellant's Designation of Record and Statement of Issues on Appeal from Bankruptcy Court	05/12/2023
13729	Certificate of Mailing of Dan Carney	05/12/2023
13733	Order Granting Appellant Spiro Jannings' Motion for Leave to Expand Time	05/15/2023

Docket Text from *In re PG&E Corp., et al.*, Case No. 19-30088 (DM):

Dkt. No.	Description	Date
N/A	<b>DOCKET TEXT ORDER</b> (no separate order issued:) Denied The Motion to Extend Time filed by Spiro Jennings (#11768) is DENIED for the reasons stated by Debtors (#11775). The Motion to Abstain that Mr. Jennings filed (#11753) was not even set for hearing; the Objection to his claim was filed nearly three months ago. The Objection will remain on the January 18, 2022, calendar unless Debtors agree to continue it. (RE: related document(s)11768 Motion to Extend Time filed by Creditor Spiro Jannings). (Montali, Dennis)	12/31/2021
N/A	<b>DOCKET TEXT ORDER</b> (no separate order issued:) The Motion For Relief From Order (Dkt 11871), filed by Spiro Jannings, and set on the March 2, 2022, 10:00 AM calendar, is DROPPED from the calendar. The court does not further argument, and the matter will stand as SUBMITTED on the papers. (RE: related document(s)11871 Motion Miscellaneous Relief filed by Creditor Spiro Jannings). (Montali, Dennis)	02/28/2022
N/A	Hearing Dropped. The hearing on 3/2/22 regarding Motion for Relief from Order (Default Order Dkt #11829; Sustaining Objection to Claim No. 58462) is dropped from the calendar pursuant to the Court's 2/28 Docket Text Order. (related document(s): 11871 Motion Miscellaneous Relief filed by Spiro Jannings) (lp)	03/01/2022

Hearing Transcripts from in *In re PG&E Corp., et al.*, Case No. 19-30088 (DM):

Dkt. No.	Description	Date
13591	March 7, 2023 Hearing Transcript	03/08/2023

Proof of Claim filed in *In re PG&E Corp., et al.*, Case No. 19-30088 (DM):

Claim No.	Claimant	Date
58462	Spiro Jannings	10/17/2019

The Reorganized Debtors reserve the right to designate additional items for inclusion in the record or restate the issues presented on appeal.

Dated: May 26, 2023

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By: /s/ Jane Kim  
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**FILED**  
MAY 26 2023 *AK*  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

JANNINGS,

Appellant,

v.

PG&E CORPORATION, and  
PACIFIC GAS & ELECTRIC COMPANY

Appellees.

Bankruptcy Case No. 19-30088 (DM)

Chapter 11 (Jointly Administered)

**APPELLANT'S AMENDED  
DESIGNATION OF RECORD AND  
STATEMENT OF ISSUES ON APPEAL  
FROM BANKRUPTCY COURT**

Due: May 26, 2023, per Court Order

SPIRO JANNINGS, *pro se*, CREDITOR/APPELLANT, hereby AMENDS his 05/12/23 notice to the Clerk of The Court of Appellant's Designation Of Record and Statement of Issues on Appeal (Dkt. 13728) to update and correct Scrivener errors to the Docket numbers, for the Clerk's Transmittal of Record On Appeal to the District Court; and in support so states:

1. On 05/12/23, Appellant filed a "Motion" for leave to expand time to file Designation of Record and Statement of Issues on Appeal (Dkt. 13726) with Declaration in support (Dkt. 13727), and co-filed Designation of Record and Statement of Issues (Dkt. 13728).

2. On 05/15/23, the Court GRANTED the Motion, providing until 05/26/23.

3. Appellant's filing: Dkt. 13728, contained scrivener errors (\*), now cured; to wit:

**APPELLANT'S AMENDED DESIGNATION OF RECORD AND STATEMENT OF ISSUES  
ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG**



**AMENDED DESIGNATION OF RECORD**

<b>Bankruptcy Docket No.</b>	<b>Date Entered</b>	<b>Brief Summary of Document and/or Transcript</b>
11388	10/08/21	PG&E Objection to Appellant's Claim
11389*	10/08/21	Declaration of PG&E agent, Ledbetter in support of Objection
11390*	10/08/21	Declaration of PG&E agent, Leonard in support of Objection
11391*	10/08/21	Declaration of PG&E Counsel, Nadeau in support of Objection
11393	10/08/21	Notice Of Hearing
11753	12/28/21	Appellant's Motion to Abstain and Dismiss
11768	12/30/21	Appellant's Motion to Enlarge Time
11768-1	12/30/21	Declaration of Appellant's counsel in support of motion
11775	12/31/21	Appellee's Opposition to Motion to Enlarge Time
11806	01/11/22	Appellee's Request for Default
11806-1	01/11/22	Exhibit e-Mails of PG&E in support of Default
<b>11829</b>	<b>01/14/22</b>	<b>ORDER Disallowing Appellant's Claim</b>
11871	01/26/22	Appellant's Rule 60 Motion for Relief of Order (Dkt. 11829)
11871-1	01/26/22	Declaration of Appellant's Counsel, Furstman
11871-2	01/26/22	Declaration of Appellant's Counsel, St. James
11872	01/26/22	Notice Of Hearing
11939	02/16/22	Appellee's Opposition to Rule 60 Motion
11940	02/16/22	Declaration of PG&E Counsel, Kim
11940-1	02/16/22	Exhibit e-Mail of PG&E in support of Opposition
11941	02/16/22	Declaration of PG&E Counsel, Nadeau

APPELLANT'S AMENDED DESIGNATION OF RECORD AND STATEMENT OF ISSUES  
ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG

1	11941-1	02/16/22	Exhibit e-Mail of PG&E in support of Opposition
2	12009	03/14/22	ORDER Denying Appellant's Rule 60 Motion (Dkt. 11871)
3	13447	01/12/23	Appellant's Substitution of Counsel
4	13455	01/13/23	Appellant's Rule 60(b) Omnibus Motion
5	13456	01/13/23	Declaration of Appellant, Jannings
6	13458	01/17/23	Notice Of Hearing
7	13524	02/21/23	Appellee's Opposition
8	13525	02/21/23	Declaration of PG&E Counsel, Nadeau
9	13561	02/28/23	Appellant's Reply to Appellee's Opposition
10	13562	02/28/23	Declaration of Appellant, Jannings
11	13563	03/01/23	ORDER Affirming 03/07/23 Hearing
12	13591	03/07/23	HEARING Transcript; Appellant's Motion (Dkt. 13455)
13	<b>13646</b>	<b>03/27/23</b>	<b>ORDER Denying Rule 60(b) Reconsideration of Default</b>
14	13662	04/10/23	Appellant's Notice of Appeal
15	13726	05/12/23	Appellant's Motion for Leave to Expand Time for Designation of Record and Statement of Issues
16	13727	05/12/23	Appellant's Declaration in Support of Motion for Leave to Expand Time for Designation of Record and Statement of Issues
17	13728	05/12/23	Appellant's Designation of Record and Statement of Issues
18	13733	05/15/23	The Bankruptcy Court's Order granting Appellant's Motion for Leave to Expand Time for Designation of Record and Statement
19	Pending	05/26/23	Appellant's AMENDED Designation of Record and Statement of Issues

\* Corrected Docket Numbers (scrivener errors) of filing: Dkt. 13728.

\*\*\* END OF DOCUMENTS \*\*\*

APPELLANT'S AMENDED DESIGNATION OF RECORD AND STATEMENT OF ISSUES  
ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG



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2. Whether the Bankruptcy Court erred in determining "made within a reasonable time" under F. R. Civ. P. 60(c) circumvents or supersedes its stipulation of: "no more than a year after the entry of judgment," as specified for relief pursued under F. R. Civ. P. 60(b)(1)/(3);

4. Whether the Bankruptcy Court erred in unfairly sanctioning Jannings individually for the misdeeds of his counsel's untimely filings, when the Court determined Appellee was not and could not be prejudiced by granting Appellant's relief;

6. Whether the Bankruptcy Court erred in finding the burden to determine fraud upon the Court was not met;

8. Whether the Bankruptcy Court erred in ignoring established case law pertaining to the Agency Theory over Attorney Authority that has been determined by SCOTUS since *Link v. Wabash Railroad* (1962); and brought to the Court's attention (Dkt. 13561);

APPELLANT'S AMENDED DESIGNATION OF RECORD AND STATEMENT OF ISSUES  
ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG 4

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Date: May 26, 2023

Respectfully submitted,  
**SPIRO JANNINGS, *Appellant***  
  
*/s/ Spiro Jannings*  
SPIRO JANNINGS  
*Pro Se*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In Re: Bankruptcy Case No.: 19-30088 (DM) (Lead Case)  
  
PG&E Corporation Chapter 11  
  
and (Jointly Administered)  
  
Pacific Gas and Electric  
Company.

**CREDITOR/APPELLANT'S  
CERTIFICATE OF MAILING**

I, the undersigned: Dan Carney, a disinterested non-party, acting at the request of the Appellant, Spiro Jannings, served a copy of the following documents:

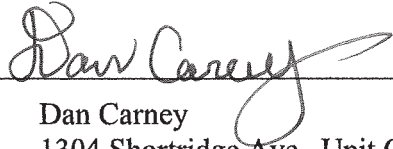
1. Appellant's 05/26/23 Amended Designation of Record and Statement of Issues to be Appealed.

Further, that I complied with mailing the aforementioned documents by depositing same in the United States Postal system at San Jose, California on the date shown below, in a sealed envelope, First Class (or higher) postage prepaid, to the recipients at the addresses below:

Office of the U.S. Trustee / SF  
Phillip J. Burton Federal Building  
450 Golden Gate Ave., 5th FL, #05-0153  
San Francisco, CA 94102

KELLER AND BENVENUTTI, LLP  
Jane Kim  
Thomas B. Rupp  
650 California St. #1900  
San Francisco, CA 94108

for PG&E Corporation, *et al*

EXECUTED BY:   
Dan Carney  
1304 Shortridge Ave., Unit C  
San Jose, CA 95116

Dated: May 26, 2023

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In Re: PG&E Corporation and

Pacific Gas and Electric Company

Bankruptcy Case No.: 19-30088-DM

District Court Appeal Case No.: 23-cv-01735-HSG

**CERTIFICATE OF RECORD**

The undersigned Clerk of the U.S. Bankruptcy Court hereby certifies the record on appeal is complete and ready for transmission. The Designation of Content for Record on Appeal and Statement of Issues have been filed. The status of the transcripts are as follows:

- ☒ Designated transcript(s) have been filed with this Court. Docket #: 13591
- ☐ No transcripts were requested by Appellant or Appellee.
- ☐ Other:

Edward Emmons, Clerk  
United States Bankruptcy Court

Date: May 31, 2023

By: /s/ DaWana Chambers

DaWana Chamber, Deputy Clerk